

**PALA - PAUMA COMMUNITY SPONSOR GROUP**  
**P.O. Box 1273**  
**Pauma Valley, CA 92061**  
**Phone: 760-742-0426**

**REGULAR MEETING**  
**APPROVED MINUTES OF FEBRUARY 7, 2012**

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Meeting Date: February 7, 2012

Scheduled start time: 7:00 PM

Place: Pauma Valley Community Center  
16650 Hwy. 76  
Pauma Valley, Ca. 92061

**1. CALL TO ORDER: 7:00** Roll Call and quorum established: All six Group Members were present: Andy Mathews, Chairman; Bill Winn, Vice Chairman; Fritz Stumpges, Secretary; John Ljubenkov; Jim Beezhold; and Ron Barbanell.

**2. OPEN FORUM:**

- a. Chris Brown of Sol Focus / Sol Orchard advised us that they were currently reviewing input from the county, feedback from the public and attempting to incorporate these new ideas into an updated site plan they would file. They are trying to respond within two months. Bill mentioned that we had proposed an alternative site on Hwy 76 near the new 'Peaker' Power plant and Chris said that they were reviewing several proposed alternative sites looking for one which meets all of their requirements. He will respond to these when they return. Andy asked about the legal access and Chris said that they were reviewing this and the fire access with the county but this appeared to be in order. He also said that he believed their proposal would present a negative impact to the water districts concerns. Fritz asked if Chris had seen the flyer that the water district had sent out with all of their objections to the project formatted in a sheet to be sent to the county in protest. Chris requested a copy because they had gotten feedback seemingly based on this. Andy asked if there was a tentative timeline. Chris said that if all goes well they would be starting in April May. He said that they were trying to meet power purchase agreements with SDG&E but postponements were usually possible if needed. He said that it would take about 3 to 5 month for construction once they started.
- b. John then brought up new information about Rancho Guejito and he requested that this be made an official agenda item next month. There has been new grading of a road and possibly on land not previously designated for one. This appears to be a possible end run around the county for a new major access road.
- c. John then mentioned another newly immersing problem in the Palomar-Cuca area and that is the reported expansion of the feral pig population on the loose. These are not the native wild javelina but are escapees of old farms returning to their wild boar nature. They are potentially very destructive. John proposed that we hear from a county official familiar with this issue.

**3. ADMINISTRATIVE MATTERS:**

- a. The minutes for last December, 6th had been circulated to all members. All proposed changes had been incorporated and the minutes circulated again prior to this meeting. Jim questioned whether there was a motion and vote on the continuance of the Sol Orchard discussion but no one remembered that. Andy said that we did not vote to reject or approve and that the filing with

the county was a continuance. Bill moved to approve the December minutes, Ron made the second and the minutes were approved 6-0.

- b. An Operating Expense invoice for the rent of the hall for the last quarter of 2011 was submitted. Andy requested a motion to approve the \$105 for the \$35/Month bill. Bill moved and Ron seconded and it was passed 6-0.
- c. Requests to serve as a Pala Pauma Sponsor Group member were made and this request's publication and posting in the local paper was mentioned. Andy stated that we had one request that had been submitted and that was from Robert Smith, Chairman of the Pala Band of Luiseno Indians. His 22 years as Chairman and 11 or so years on SANDAG attest to his involvement and commitment to serve the community. Chairman Smith spoke of this and also his serving with the Lions club. He spoke of his desire to be involved with this planning group and of the benefit we could have with his shared experience and knowledge. Fritz asked if he would have time for these monthly meetings considering his existing important commitments and he said that he would. Andy explained the appointment process by Supervisor Bill Horn and then entertained a motion to submit his application to the county. Ron moved that we do so and Fritz gave a second. Then Bill began a discussion to consider the potential loss of two members of our board on any discussion and voting on issues with the Tribe. He thought that since Ron's son worked for the tribe also, that this might force Ron to recuse himself also. Andy reaffirmed Bill's position that should there be any conflict of interest then that person would not be able to either be present for the discussion or vote on such an issue. Chairman Smith reminded us that Jeremy was only a volunteer and not paid. Then Jim brought up the point that we had considered Benai Calac for this same position. He also said that she was under the impression that we had no desire for her to serve here. Andy said that we had indeed received her application in November of last year. He said that on November 14 we sent her an email informing her that her application was defective in that she listed the group that she desired to be on as that of her own tribe. And secondly he also left her a phone message on the supplied number. After this discussion Fritz withdrew his second of the motion and stated that he couldn't support it until the confusion with Benai was straightened out. Bill then seconded the motion to approve the submittal of Chairman Smith. Jim again said that he too would like to wait until we hear from Benai. Andy read the email he sent her explaining what was wrong and more discussion ensued. Ron's motion was read again, Bill gave a second, and the vote to approve passed by 4 for, 1 opposed (Jim), and 1 abstained (Fritz).

#### 4. DISCUSSIONS:

- a. We then heard and saw a presentation by Dore Bietz on the Indians' perspective with regards to our current Fee to Trust issues (FTT). She presented a review of the Tribe's historical relationship with and need for their land, what the Trust Land process is, the procedures involved in the transfer of land from fee to trust, and Tribal Land Use Decisions and how they work with neighboring lands in decision making. She explained that the Pala Bands' issues are shared by tribes throughout California. Tribal land is only a fraction of what was promised them. The land takeover that took so many years to spread to California, progressed extremely quickly here. There are 111 tribes in California; out of the 567 that are recognized throughout the whole US. So we have a large percentage of the tribes with about the smallest percentage of lands. There are only about 450,000 acres of trust land here, nowhere near the 8.5 million acres that were promised them in 1851. Many tribes were forcibly moved to new reservations, including the Pala Band in 1903. They currently have a little over 12,000 acres for the Cupueno/Luiseno Tribes that once occupied the recent Warner Springs Area. Many tribes are currently landless and Chairman Smith also works with a group trying to acquire lands for them through the FTT. Trust lands are lands held by the Federal Government for the benefit of current and future generations of tribal members. Trust land falls under the governance of tribal authority and in

general doesn't follow state laws. This status creates limitations on the use of the land and often requires more strict controls of the federal government for most actions.

Ms. Bietz continued to outline that Fee to Trust is the most important mechanism for the restoration of tribal lands. It was created by the 1934 Indian Reorganization Act to compensate for the unjust taking of tribal land. It is discretionary and highly regulated. It can only be conferred by the Secretary of the Interior, the congress or in some cases judges. To acquire land by FTT first the tribe must buy the land that was unjustly taken from them, and then go through a long regulatory process (including NEPA) for approval. Then they must give the land to the US government to be held in 'Trust'. They also have to present a need for the land and also specify a proposed use of it.

Ms. Bietz then spoke about the impact on the state by removing the land from tax rolls. She stated that most times the tribes are compensating, or in lieu of taxes, are contributing to the local economy through jobs or scholarships or through their gaming compacts they are contributing far more than amount that would be collected on the properties. Pala may do this but the overall affect of all tribes on the counties and state needs to be reviewed further.

There are many jurisdictional and governance issues that must be addressed. The underfunded US government is allowing the tribes to provide more and more of their own services.

After completing a thorough application it is submitted to the BIA and then reviewed by all of the other state, local governments, environmental entities and tribes. Responses are then addressed until all issues have been resolved. Then the BIA issues a notice of proposed decision. After all appeals are addressed there is a final review. The land is then brought into the Trust through the title process.

Once the tribe has control of the land it is controlled internally through committees, processes ordinances and plans. They take seriously their responsibility to the tribe in their land use decisions.

After the presentation, Andy clarified that the land that is purchased for FTT does not have to have belonged to the tribe previously. He then mentioned a disparity in that the tribe has a right to have input into land use decisions outside the tribe but no one outside has the same right. Dore added that the tribe can have input but no decision authority. Andy then clarified that the Secretary of the Interior may delegate decisions down to the director of the BIA.

Bill read from the FTT handbook, Version II dated July 13,2011; where it states that the written application for FTT has to:

- 1.d Need for acquisition of the property
  - 1) Economical Development
  - 2) Tribal Self-Determination
  - 3) Indian Housing (non-commercial)
- 1.e Purpose in which the property is to be used.

Then Bill stated a major community concern is that the Indians promise whatever is necessary to get the approval. Once the Application for FTT has been accepted based on a justification for NEED and USE and the land goes into Sovereign Indian Nation Land, there is no system to monitor and make sure that the need and use justifications are followed. The Tribe then can do anything they want with the land because of 'Tribal Self-Determination'. Dore explained that sometimes the Tribes justify the NEED and USE for one reason and then due to other things it becomes necessary to use the land for other reasons. That is why the words 'Tribal Self-Determination' are in the 1934 IRA. Bill explained that is why a lot of people in the community FEAR this portion of the 1934 IRA and distrust the Indian Tribes. Maybe we should change it so that if the land is not used for what the justification was written up for; it should have to be resubmitted for approval for the new need and use. Dore said that she could understand the concern and maybe the law should be changed; however what the tribes are currently doing are within the 1934 IRA.

Andy then asked how will we work together to balance the needs of both communities equitably? Then LaVonne Peck the Tribal Chair Person from LaJolla spoke of the great trials and expenses that they had to endure just to bring 10 acres into their non-gaming tribal lands. Ron then spoke about moving forward in trying talk to each other in trying to preserve this beautiful valley. Then the Vice Chair Person from Rincon, Stephanie Spencer spoke about monitoring. Non-Indians purchased 10 acres within the reservation and because of the disrepair and hazardous materials present there was a big explosion during one of the fires and toxic compounds were spread. They have had to spend over a million dollars trying to get the land cleaned up properly...talk about bad monitoring. Andy concluded the discussion by emphasizing the importance of this communication which we began this night. He then added Ron to the membership of the subcommittee and asked Bill, chair of the FTT subcommittee, to find new persons from the community to balance the input and continue this dialogue. A person in the Rincon delegation requested that because TAXES were such a big issue they be left out of the Sub-Committee meeting and it focus on land use issues. The audience made one further suggestion, that we bring in a representative from the BIA to educate us on their perspective of FTT.

- b. Ali Shaqouri, the representative from Warner Ranch came to let us know that they hadn't yet submitted their proposal to the county and that they wanted to let us know the details only after they had a concrete proposal ready. They were to submit March 1<sup>st</sup> and will then attend next month's meeting. He said that their proposal will address all our previous concerns about water and sewer and the SSA's.
- c. The Counties 13 page Report on Red Tape Task Force Reduction had been circulated prior to the meeting and so had the Draft Bullet Point response from the joint planning and sponsor group meeting. Tonight's meeting update shows that the county has scheduled an agenda item to consider rescinding its decisions of December 7, 2011 and is scheduled to propose a complete rehearing meeting on February 29<sup>th</sup>. This will give staff and groups time to study the proposal and to submit comments. This will at least give the facade that they are considering someone else besides their handpicked group of developers that drew up the original proposal. All 26 north county planning groups have gotten together to plan a unified response to those proposals made in the initial declaration (above mentioned Bullets sheet). These proposals need to be considered by each group and restated considering their own concerns. This will be submittal at the February 29<sup>th</sup> BOS meeting. The proposals include NOT considering disbanding of the local groups. This would minimize or even eliminate public participation in planning. Improving the groups, and their and the counties' routines could markedly improve the way land use planning is effected in the county. The proposal will included specific proposals for these improvements. A motion was made by Ron to have Andy, in cooperation with the other groups, translate the bullets into a response that contains our individual concerns. We are to reply to him with our inputs. Bill gave a second and the vote was unanimous, 6-0, in favor.
- d. The Draft of the Single Family Residential Design Guidelines, a copy of which we were each given was then considered. Andy stated that in light of the other current proposals being circulated in the county, this Guideline is "Dead On Arrival" and should only be studied for some future action. It was tabled until future action is requested.
- e. The need to improve vehicular and pedestrian safety here at the community center was considered. Pauma Valley Community Association has asked if there is anything that this group can do to help with the finances necessary for road paving and lighting installation. Andy mentioned that we could voice support to PVCA's request for a grant from Supervisor Horn's yearly dispersions from his Community Enhancement Fund and Andy also asked Jim to research the possibility of using our PLDO funds in some way.

**4. ADJOURNMENT:**

Fritz moved to adjourn, Bill gave a second and the meeting was adjourned at 8:45 PM

Fritz Stumpges, Secretary

These minutes were approved at the March 6, 2012 meeting of PPCSG.